United Nations A/HRC/38/NGO/98

General Assembly

Distr.: General
12 June 2018

English only

Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Global Institute for Water, Environment and Health, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-09529(E)
1809529

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Occupied Palestinian Territory: Israeli shooting of Palestinians at checkpoints in the West Bank*

Item 7: Human rights situation in Palestine and other occupied Arab territories

INTRODUCTION

Since its occupation of the Palestinian Territories in 1967, Israel has erected a network of checkpoints throughout the West Bank, dividing the West Bank's towns and villages and imposing a system of control over Palestinians. These checkpoints have impacted Palestinians in many different ways, including blocking their way to school, healthcare, work, and dividing families and villages. With the outbreak of the second Palestinian uprising in 2000, Israel has increased the number of checkpoints in the West Bank, further suffocating Palestinians and making their lives more complicated. These checkpoints are one component of a multi-faceted system of at least 669 checkpoints which include 17 temporary and flying checkpoints, 70 cement roadblocks, 234 earth mounds, 85 road gates, 113 gates in the Segregation Wall, as well as 71 observation towers, and 79 main checkpoints.[1]

Euro-Mediterranean Human Rights Monitor (Euro-Med) and the Global Institute for Water, Environment and Health (GIWEH) are deeply concerned about the impact of these checkpoints on the daily life of Palestinians. Tens of thousands of Palestinians have to cross Israeli checkpoints to go to their work on daily basis. There are more than 70,000 Palestinians with Israeli work permits who work beyond the Green Line due to the high rate of unemployment in the Palestinian Territories. Everyday, the workers queue at checkpoints as early as 4 AM in order to make it to their jobs. Many of them didn't manage to cross these checkpoints as they have got shot by the Israeli army[2],.

The checkpoints have also impacted tens of thousands of students who go to their schools on daily basis, pushing some of them to reside in areas away from their families to avoid Israeli checkpoints. In the West Bank city of Hebron for example, Israeli settlers and police stop Palestinian students on their way to school and hinder their movement, which sometimes lead to cancelling their classes. Some Palestinian women had to deliver at Israeli checkpoints after the Israeli army hindered their access to hospitals, thus putting their lives at risk of death.

As these checkpoints impacted the lifestyle of Palestinians in a critical manner, Palestinians had to cross them on daily basis to reach out to their schools, hospitals, workplaces, families and villages. However, recently, with the outbreak of a new wave of violence in the Palestinian Territories, due to Israel's ongoing occupation of the West Bank, the Israeli army has been adopting what mount to a policy of field executions against Palestinians at these checkpoints, and in many cases, as this statement will show, Palestinians were shot in cold blood, due to merely doubts of Israeli soldiers. Since 2015, the year violence in the West Bank has intensified, dozens of Palestinians were shot at checkpoints, many of them were innocent and were mistaken for attempting to carry out knives attacks, including students who were on their way to school[2].

FIELD EXECUTIONS AT CHECKPOINTS

Euro-Med Monitor and GIWEH want to bring to the attention of the Human Rights Council the policy of Israeli systematic field executions at checkpoints all over the West Bank. Since 2015, these have claimed the lives of dozens of Palestinians, most of them were shot dead without posing any threat to the Israeli army and some of them were shot based on the merely doubts of Israeli soldiers. It is worth mentioning that this policy is not new, it was only intensified and became more systematic in recent years[3].

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[1] Israeli re-classifies the Status of Israeli Checkpoints in the Occupied Palestinian Territory, link http://poica.org/2009/08/israeli-re-classifies-the-status-of-israeli-checkpoints-in-the-occupied-palestinianterritory/ [2] Israel's military checkpoints: We live a life of injustice. Link: https://interactive.aljazeera.com/aje/2018/commuting-through-israeli-checkpoints/index.html

[2] https://www.btselem.org/gunfire/20151216_cases_of_unjustified_gunfire_and_executions

[3] The Palestinian Center for Human Rights. Link: http://pchrgaza.org/ar/?p=14775

Euro-Med Monitor has documented many of these executions. For example, an 18-year-old Hadil Alhashlamoun was killed at "checkpoint 56" in the old city of Hebron in the West Bank, on 22 September 2015. According to eyewitness Fawaz Abuisha, Israeli soldiers stationed at checkpoint 56 in Hebron asked her to reveal her face, as she was fully covered, and she refused to do so. He told the soldiers she didn't understand Hebrew and he translated for her, asking her to go back. As she was moving back at the request of soldiers, an Israeli soldier shot her in the leg. Other Israeli soldiers followed by shooting more bullets at her without posing a threat to them. She was left to bleed for 40 minutes without giving her any first-aid. Israeli soldiers claimed she was possessing a knife, a claim which was refuted by local eyewitnesses and photos taken by a Brazilian volunteer from the World Union of Churches' Ecumenical Accompaniment Programme in Palestine and Israel which showed the teen posed no threat to Israeli soldiers.

Euro-Mid Monitor and GIWEH are deeply worried of such acts which are in violation of the Principles for the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ECOSOC Principles), which were endorsed by the General Assembly of the United Nations on December 15, 1989. The principles also state that firearms may not be used against persons except in the case of self-defense or the defense of others—and even then, only when an imminent threat of death or serious injury exists, and intervention is needed to prevent a crime or flight. In addition, the Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly emphasizes that the "use of force by law enforcement officials should be exceptional." While it states that law enforcement officials may be authorized to use force when reasonably necessary under the circumstances to prevent crime or assist in the lawful arrest of offenders or suspected offenders, it also clearly says that no force beyond that may be used.[4]

According to data published by the Israeli police between 2015-2017, Israeli forces have shot dead 201 Palestinians, leaving them to bleed on the ground[5]. The Israeli forces claimed that all these Palestinians attempted to carry out attacks against Israeli soldiers and settlers in the West Bank. Palestinians have refuted many of Israel's claims that these Palestinians were attempting to attack Israelis, noting that some of them were students who were on their way to/back from school, such as Palestinian high school student Farah Al-Bakri, 16, from Jerusalem, who was shot in front of her Jerusalem school after an Israeli settler claimed that she was possessing a knife on 12 October 2015.

A specially-tragic is the story of Raheeq Albirawi, 19, who was shot dead at an Israeli checkpoint to the south of Nablus, on 19 October 2016, after spending a family vacation with her family in the city of Nablus upon her return from the United States. Israeli soldiers at Zatra'a checkpoint asked her to open her bag and raise her hands up and she did. However, he shot at her without a justification, killing her.[6]

The story of Albirawi is not different from that of Palestinian prisoner Israa Aljaabis, who on 11 October 2015, was exposed to severe burns after an Israeli soldier stopped her car, shut down the door, locking her inside, after the car was moving right and left due to losing control over it due to a technical error. The police claimed that she was attempting to carry out a ramming attack, which Israa and her family have completely rejected, saying that she was a mother and had children, and recently got a driving license. Israa was locked inside the car which caught fire and was not allowed to get out of it. Israa is still suffering from a lack of medication in Israeli jails and much of her hand fingers were amputated and her facial features have completely changed.

Euro-Med Monitor and GIWEH are calling for this Israeli policy of field executions to come to an end. Dozens of Palestinians have lost their lives due to this policy. In some cases, the Israeli army has changed its narrative, shifting from the claim that these Palestinians held knives, to claiming that Israeli soldiers mistook these Palestinians for carrying knives. The Israeli government must stop this policy and allow for transparent investigations to take place. Otherwise, Palestinians will continue to lose their lives at Israeli checkpoints in the West Bank.

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[4] http://www.euromedmonitor.org/uploads/reports/ArbitraryKillings.pdf

[5] https://www.middleeastmonitor.com/20180108-israel-police-we-killed-more-than-200-palestinians-sinceend-of-2015/

[6] Palestine Newspaper. Link: http://felesteen.ps/details/news/175080/الشهيدة-رحيق-البيراوي-ودعتها-أهلها-إلى-رحلة-تغير-مسارها-.html

ISRAELI CHECKPOINTS IN INTERNATIONAL LAW

Israel's network of checkpoints in the Occupied West Bank violate a number of international resolutions. The UN Security Council passed Resolution 242 which calls for Israel's withdrawal of all Israeli armed forces from the territories occupied in the 1967 war. Israel's refusal to withdraw from the West Bank, including dismantling checkpoints, violates this UN resolution.

Israel's checkpoints in the West Bank violates human rights, including the right to freedom of movement, the right to healthcare, and the right to education, the right to religious freedom, the right to work and the right to freedom from collective punishment, to name a few. Israeli checkpoints violate some principles stated in the Fourth Geneva Convention of 1949, such as the right of education (Article 50). Article 3 of the Conventions prohibits humiliation and degrading treatment.[7]

CONCLUSIONS AND RECOMMENDATIONS

In light of the serious deterioration of the Palestinian right to life, especially those Palestinians crossing Israeli checkpoints on daily basis in the West Bank, as a result of Israeli forces shooting of Palestinians at checkpoints, we call on the international community, particularly the UN Human Rights Council, to take action in order to protect Palestinians' right to life and to address the Israeli policy of field executions in the West Bank, which violates international law in regard to the treatment of people living under military occupation, by taking the following steps:

- To insist on the Israeli government to instruct its soldiers scattered at various checkpoints in the West Bank to refrain from using live fire when dealing with Palestinians crossing these checkpoints.
- To insist on the Israeli government to implement an alternative approach, that gives regard to human life, and that makes using live ammunition and fire a last resort to the Israeli forces, by respecting the principles of human rights, International Law, International Human Rights Law, when attempting to preventing and combating alleged attacks.
- To insist on the Israeli government to provide the claims and evidence which it has against Palestinians it claims to have been involved in attacks.
- To open transparent investigations into the shootings of Palestinians in the West Bank at checkpoints by an international mission and to bring those responsible accountable.
- To collaborate with the relevant Palestinian authorities to collect evidence needed for such an international transparent investigation, including local eyewitnesses to shootings in various Palestinian cities.
- To speak to the families of Palestinians killed and to double-check the evidence and information they have regarding the shootings of their kids at Israeli checkpoints in the West Bank.
- To evaluate the impact these Israeli checkpoints have on the lives of Palestinians and to provide a legal opinion regarding these checkpoints.

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*Euro-Mediterranean Human Rights Monitor, an NGO without consultative status, also shares the views expressed in this statement.

[7] Israeli re-classifies the Status of Israeli Checkpoints in the Occupied Palestinian Territory, link: https://goo.gl/zgYP81